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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

LIVING RIVERS, *et al.*,
Plaintiffs,
v.

DAVID BERNHARDT, *et al.*,
Federal Defendants,
ENEFIT AMERICAN OIL CO.,
Intervenor-Defendant

)
) **PLAINTIFFS' UNOPPOSED**
) **MOTION FOR EXTENSION AND**
) **MODIFICATION OF**
) **SCHEDULING ORDER**
)

) No. 4:19-cv-00041-DN-PK
)
) Judge David Nuffer
) Magistrate Judge Paul Kohler
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Pursuant to Fed. R. Civ. P. 6(b)(1), Plaintiffs request an extension of time of two weeks, to June 17, 2020, to file their Opening Brief. Because Plaintiffs advised Federal Defendants of objections to the administrative record, but opted not to file a motion to complete the record, the current deadline for Plaintiffs' Opening Brief is June 3, 2020, based on the Court's Scheduling Order. [ECF No. 54](#) ¶ 8 (Jan. 27, 2020). Plaintiffs' counsel has conferred with counsel for Federal Defendants and Intervenor-Defendant Enefit, neither of whom oppose this motion.

In support of this motion, counsel note that the ongoing COVID-19 pandemic has caused significant professional and personal challenges for Plaintiffs' counsel, which has resulted in unavoidable work-flow delays. Additionally, following Plaintiffs' objections to the administrative records as initially served, Federal Defendants added a significant number of new documents to the records, which required extra time to review before filing the Opening Brief.

Because extending Plaintiffs' Opening Brief deadline would impact subsequent briefing deadlines, the parties have agreed to adjust the subsequent briefing deadlines as well, including an additional period of time of time for Federal Defendants' Answer Brief to accommodate their counsel's briefing schedule in another matter and planned personal leave. Plaintiffs are requesting, and Federal Defendants and Intervenor-Defendant agree to, entry of a scheduling order modifying the current schedule as follows:

	<u>Current</u>	<u>Proposed</u>
Plaintiffs' Opening Brief	June 3, 2020	June 17, 2020
Federal Defendants' Answer Brief	July 8, 2020	August 5, 2020
Intervenor-Defendant's Answer Brief	July 22, 2020	August 19, 2020
Plaintiffs' Reply Brief	August 12, 2020	September 9, 2020

For the foregoing reasons, Plaintiffs respectfully request that the Court enter an order modifying the current scheduling order as set forth in the table above and in the accompanying proposed order.

DATED May 27, 2020.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing is being filed with the Clerk of the Court using the CM/ECF system, thereby serving it on all parties of record on May 27, 2020.

/s/ Alex Hardee
Alex Hardee